

AN ACT

relating to the standard possession order and alternative possession times in a suit affecting the parent-child relationship.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 153.317(a), Family Code, is amended to read as follows:

(a) If elected by a conservator, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide for one or more of the following alternative beginning and ending possession times for the described periods of possession, unless the court finds that the election is not in the best interest of the child:

(1) for weekend periods of possession under Section 153.312(a)(1) during the regular school term:

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes after the weekend; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(2) for Thursday periods of possession under Section 153.312(a)(2):

(A) beginning at the time the child's school is regularly dismissed;

1 (B) ending at the time the child's school resumes  
2 on Friday; or

3 (C) beginning at the time described by Paragraph  
4 (A) and ending at the time described by Paragraph (B);

5 (3) for spring vacation periods of possession under  
6 Section 153.312(b)(1), beginning at the time the child's school is  
7 dismissed for those vacations;

8 (4) for Christmas school vacation periods of  
9 possession under Section 153.314(1), beginning at the time the  
10 child's school is dismissed for the vacation;

11 (5) for Thanksgiving holiday periods of possession  
12 under Section 153.314(3), beginning at the time the child's school  
13 is dismissed for the holiday;

14 (6) for Father's Day periods of possession under  
15 Section 153.314(5), ending at 8 a.m. on the Monday after Father's  
16 Day weekend;

17 (7) for Mother's Day periods of possession under  
18 Section 153.314(6):

19 (A) beginning at the time the child's school is  
20 regularly dismissed on the Friday preceding Mother's Day;

21 (B) ending at the time the child's school resumes  
22 after Mother's Day; or

23 (C) beginning at the time described by Paragraph  
24 (A) and ending at the time described by Paragraph (B); ~~or~~

25 (8) for weekend periods of possession that are  
26 extended under Section 153.315(b) by a student holiday or teacher  
27 in-service day that falls on a Friday, beginning at the time the

1 child's school is regularly dismissed on Thursday; or  
2 (9) for weekend periods of possession that are  
3 extended under Section 153.315(a) by a student holiday or teacher  
4 in-service day that falls on a Monday, ending at 8 a.m. Tuesday.

5 SECTION 2. Subchapter F, Chapter 153, Family Code, is  
6 amended by adding Section 153.3171 to read as follows:

7 Sec. 153.3171. BEGINNING AND ENDING POSSESSION TIMES FOR  
8 PARENTS WHO RESIDE 50 MILES OR LESS APART. (a) Except as provided  
9 by Subsection (b), if the possessory conservator resides not more  
10 than 50 miles from the primary residence of the child, the court  
11 shall alter the standard possession order under Sections 153.312,  
12 153.314, and 153.315 to provide that the conservator has the right  
13 to possession of the child as if the conservator had made the  
14 elections for alternative beginning and ending possession times  
15 under Sections 153.317(a)(1)(C), (2)(C), (3), (4), (5), (6),  
16 (7)(C), and (8).

17 (b) Subsection (a) does not apply if:

18 (1) the possessory conservator declines one or more of  
19 the alternative beginning and ending possession times under  
20 Subsection (a) in a written document filed with the court or through  
21 an oral statement made in open court on the record;

22 (2) the court is denying, restricting, or limiting the  
23 possessory conservator's possession of or access to the child in  
24 the best interest of the child under Section 153.004; or

25 (3) the court finds that one or more of the alternative  
26 beginning and ending possession times under Subsection (a) are not  
27 in the best interest of the child, including:

1           (A) because the distances between residences  
2 make the possession schedule described by Subsection (a) unworkable  
3 or inappropriate considering the circumstances of the parties or  
4 the area in which the parties reside;

5           (B) because before the filing of the suit, the  
6 possessory conservator did not frequently and continuously  
7 exercise the rights and duties of a parent with respect to the  
8 child; or

9           (C) for any other reason the court considers  
10 relevant.

11           (c) On the request of a party, the court shall make findings  
12 of fact and conclusions of law regarding the order under this  
13 section.

14           SECTION 3. Subchapter [B](#), Chapter [231](#), Family Code, is  
15 amended by adding Section 231.1211 to read as follows:

16           Sec. 231.1211. INFORMATIONAL MATERIALS ON STANDARD  
17 POSSESSION ORDER. (a) The Title IV-D agency shall create  
18 informational materials that describe the possession schedule  
19 under the standard possession order under Subchapter [F](#), Chapter  
20 [153](#), including any alternate schedules or elections available to  
21 conservators.

22           (b) The Title IV-D agency shall make the informational  
23 materials described by Subsection (a) available on the agency's  
24 Internet website and distribute printed copies of those materials  
25 on request.

26           SECTION 4. The enactment of this Act does not constitute a  
27 material and substantial change of circumstances sufficient to

1 warrant modification of a court order or portion of a decree that  
2 provides for the possession of or access to a child rendered before  
3 the effective date of this Act.

4         SECTION 5. The change in law made by this Act applies to a  
5 suit affecting the parent-child relationship that is pending in a  
6 trial court on the effective date of this Act or that is filed on or  
7 after the effective date of this Act.

8         SECTION 6. This Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3203 was passed by the House on May 11, 2021, by the following vote: Yeas 140, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3203 on May 28, 2021, by the following vote: Yeas 120, Nays 22, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3203 was passed by the Senate, with amendments, on May 25, 2021, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor